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Via ECF

February 5, 2016

Hon. Paul G. Gardephe, U.S.D.J.
United States District Court Southern District of New York
40 Foley Square, Room 2204
New York, NY 10007

Re: Perez-White et al. v. Advanced Dermatology of New York, P.C., et al.
SDNY Case No.: 15-4858

Dear Judge Gardephe:

This firm represents the Defendants.

On January 27, 2016, as we informed the Court, we sent checks to Plaintiffs' counsel, Michael Taubenfeld, via Federal Express, payable to the Plaintiffs that constitute the unconditional tender of full relief for Plaintiffs' first, second, fourth, and fifth causes of action in the Amended Complaint.

Last evening, Mr. Taubenfeld informed me that he received the checks, but they have been rejected and will not be cashed.

Because Defendants have tendered full relief to Plaintiffs, Defendants respectfully request that the Court dismiss these claims with prejudice for lack of jurisdiction as the claims are now moot.¹ See California v. San Pablo & Tulare R. Co., 149 U. S. 308, 13 S. Ct. 876, 37 L. Ed. 747 (1893); Little v. Bowers, 134 U. S. 547, 10 S. Ct. 620, 33 L. Ed. 1016 (1890); San Mateo County v. Southern Pacific R. Co., 116 U. S. 138, 6 S. Ct. 317, 29 L. Ed. 589 (1885); Alvarez v. Smith, 558 U.S. 87 (2009); Already, LLC v. Nike, Inc., 568 U.S. ___, 133 S. Ct. 721, 184 L. Ed. 2d 553 (2013); Media Space, Inc. v. Comm'r, 477 Fed. Appx. 857 (2d Cir. 2012); NLRB v. Local Union NO. 25, IBEW, 586 F.2d 959 (2d Cir. 1978); Finkel v. Alltek Sec. Sys.

¹ To the extent that a judgment must first be entered by the Court in order to dismiss these claims, Defendants alternatively request that the Court enter judgment in favor of Plaintiffs in these amounts and dismiss these claims with prejudice.

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Group, Inc., 2011 U.S. Dist. LEXIS 111902 (E.D.N.Y. Sept. 29, 2011); Fluellen v. SSA, 2010 U.S. Dist. LEXIS 40689 (S.D.N.Y. Apr. 26, 2010); Allied Leather Corp. v. Interco, Inc., 1993 U.S. Dist. LEXIS 6128 (S.D.N.Y. May 10, 1993).

Respectfully submitted,

/s/ Jamie S. Felsen

cc: Michael Taubenfeld, Esq. (via ECF)